
CITY OF BALTIMORE

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Mayor



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March 18, 2024

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 23-0468 – Off-Street Parking – Affordable Housing

Dear President and City Council Members:

The Law Department reviewed City Council Bill 23-0468 for form and legal sufficiency. The bill would eliminate the off-street parking requirements for a residential project receiving a major public subsidy and that is subject to the inclusionary housing requirements in Article 13, § 2B-21. The bill would amend § 16-601 of the Zoning Code in Article 32 and would take effect 30 days after its enactment.

The formatting of 23-0468 may lead to confusion. The bill proposes an amendment to Art. 32, § 16-601 {Exemptions and reductions from requirements}. Section 16-601 subsections (b) through (f) provide for exemptions from off-street parking requirements, and subsections (g) through (i) provide for reductions to off-street parking requirements. Council Bill 23-0468 provides an exemption to the off-street parking requirements for residential development projects that receive a major public subsidy and are subject to the inclusionary housing requirements. As drafted, however, this new provision has been included as a subpart of § 16-601(g) entitled “Reductions – Affordable housing.” Affordable housing under City Code Art. 13, Subtitle 2A and inclusionary housing under City Code Art. 13, Subtitle 2B are two distinct programs. Additionally, the inclusion of the new provision which creates an exemption from off-street parking requirements in a subsection labelled as “Reductions” may result in members of the public being unable to find the new provision if they look only at the label of the subsection. Accordingly, the Law Department recommends amendments to 23-0468 as follows:

Pg 1, line 2 Off-Street Parking – ~~Affordable~~ INCLUSIONARY Housing

Pg 2, line 2 (g) RESIDENTIAL PROJECTS SUBJECT TO INCLUSIONARY HOUSING.

Pg 2, line 3 OFF-STREET PARKING IS NOT REQUIRED FOR A RESIDENTIAL PROJECT THAT IS SUBJECT TO THE INCLUSIONARY REQUIREMENTS UNDER § 2B-21 {“INCLUSIONARY REQUIREMENTS”} OF ARTICLE 13 OF THIS CODE.

Pg 2, line 6 ~~(g)~~ (H) Reductions – Affordable housing.

(1) No more than 1 parking space need be provided for every 2 dwelling units in dwellings that are erected or rehabilitated subject to a restriction that the units be leased to residents with incomes at or below 60% of the Area Median Income, with that restriction being for a term of not less than 15 years from the date of the issuance of a use permit and recorded in the Land Records of Baltimore City.

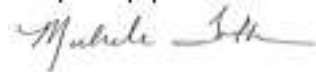
(2) The Housing Commissioner must verify, by letter to the Planning Director and the Zoning Administrator, the recordation, term, and tenor of the restriction.

~~(h)~~ (I) Reductions – Small dwellings. No more than 0.5 parking spaces need be provided for every dwelling unit that is 500 square feet or smaller.

~~(i)~~ (J) Reductions – Housing for elderly. For units designed for occupancy by the elderly in a government-assisted private or public housing dwelling, no more than 1 space need be provided for every 4 units.

Certain procedural requirements apply to this bill because an amendment of the Zoning Code is deemed a “legislative authorization.” Baltimore City Code, Art. 32, § 5-501(1). The bill must be referred for a written report and recommendations to specific agencies. See Art. 32, § 5-504. There are specific procedures that must be followed for a bill hearing before the Planning Commission and the City Council. See Art. 32, §§ 5-506, 5-507. Moreover, a text amendment must be evaluated by the standards set forth in the Zoning Code. See Art. 32, § 5-508(c). Notice of the City Council hearing must be given in accordance with the standards set forth in Art. 32, Title 5, Subtitle 6 for text amendments to the Zoning Code. The Law Department approves this bill for form and legal sufficiency.

Very truly yours,



Michele Toth
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